

PHILIPPINES 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Philippines is a multiparty, constitutional republic with a bicameral legislature. President Ferdinand Marcos Jr. was elected on May 9 and began his six-year term in June. Voters also elected the vice president, senators, congressional representatives, and local government leaders; the elections were seen as generally free and fair, despite some reports of violence and vote buying. President Marcos' party and allies won a majority of the 12 Senate seats contested and maintained an approximately two-thirds majority in the 306-seat House of Representatives.

The Philippine National Police is charged with maintaining internal security in most of the country and reports to the Department of the Interior and Local Governments. The Armed Forces of the Philippines report to the Department of National Defense and have domestic security functions in regions where the government assesses a high incidence of terrorist or separatist insurgent activity, particularly in the Mindanao region. The two agencies share responsibility for counterterrorism and counterinsurgency operations. The national police Special Action Force is responsible for counterterrorism operations. Governors, mayors, and other local officials have considerable influence over local police units, including appointment of top provincial and municipal police officers and the provision of resources. In some rural areas, the central government continued a long-standing practice of supporting and arming civilian militias, which often received minimal training and were poorly monitored and regulated. Some political families and clan leaders, particularly in Mindanao, maintained private militias. Civilian control over some security forces was not fully effective. There were credible reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; forced disappearance; torture or cruel, inhuman or degrading treatment or punishment by and on behalf of the government, and other physical abuses by nonstate actors; harsh and life-threatening prison conditions; arbitrary detention; serious problems with the

independence of the judiciary; arbitrary and unlawful interference with privacy; serious abuses in a conflict, including unlawful civilian deaths, enforced disappearances or abductions, torture and physical abuses, and unlawful recruitment or use of child soldiers by terrorists and groups in rebellion against the government; serious restrictions on freedom of expression and media, including violence, threats of violence, and unjustified arrests or prosecutions of journalists, and the use of criminal libel laws; high-level and widespread government corruption; serious government restrictions on or harassment of domestic human rights organizations; lack of investigation of and accountability for gender-based violence including but not limited to domestic and intimate partner violence, sexual violence, child abuse, and early and forced marriage; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and threats and violence against labor activists.

The government investigated some reported human rights abuses, including abuses by its forces and paramilitary forces. Concerns about police impunity remained given reports of continued extrajudicial killings by police. Significant concerns also persisted about impunity for other security forces, civilian national and local government officials, and powerful business and commercial figures. Officials frequently engaged in corrupt practices with impunity.

Muslim separatists, communist insurgents, and terrorist groups continued to attack government security forces and civilians, displacing civilians and resulting in the deaths of security force members and civilians. Terrorist organizations also engaged in kidnappings for ransom, bombings of civilian targets, beheadings, and the unlawful recruitment or use of child soldiers in combat or auxiliary roles. These actions were at times investigated and prosecuted, although there were credible allegations that charges were often leveled for political reasons.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports of arbitrary or unlawful killings by police in connection with anti-drug operations. The Marcos administration has indicated it intends to

continue the antidrug campaign, which begun under the Duterte administration, albeit with a renewed focus on rehabilitation, due process, and rule of law-based investigations. According to government data, law enforcement authorities conducted approximately 15,000 antidrug operations from January to May. Various government bodies, such as the Philippine National Police (PNP) Internal Affairs Service; the armed forces' (AFP) unit charged with monitoring human rights violations committed by members of the military, the Center for Law of Armed Conflict; and the National Bureau of Investigation, investigated whether security force killings were justifiable.

The Commission on Human Rights (CHR), an independent government ombudsman's office constitutionally responsible for investigating possible human rights violations, investigated 111 new complaints of alleged extrajudicial or politically motivated killings through August. The cases involved 141 victims and allegedly were perpetrated by 21 PNP personnel, two insurgents, 12 civilians, and 76 unidentified persons. The commission also investigated 48 specifically drug-related extrajudicial killings with 57 victims, and suspected PNP or Philippine Drug Enforcement Agency involvement in 33 of these new complaints. The CHR also investigated the February killings of a lawyer in Santo Tomas, Batangas Province, who was running for city councilor, and of a PNP intelligence operative by insurgents at a police camp in Sorsogon, Bicol Province.

The PNP reported that its Internal Affairs Service investigated 74 killings during antidrug operations from January to July, involving 321 police personnel who were administratively charged. The PNP reported that a further 46 suspects were killed during antidrug operations from July 1 to November 7.

b. Disappearance

The AFP's Center for Law of Armed Conflict reported no cases of forced disappearance attributed to or implicating the armed forces from January to July. The CHR, however, reported nine cases involving 41 persons who were victims of abduction and forced disappearance from January to July. One case was allegedly perpetrated by members of the PNP; information available on the other cases did not indicate the perpetrators.

Kidnappings were common and predominantly for criminal purposes (i.e., ransom); in the past they were carried out for both pro and antigovernment political motives as well. Terrorist groups were implicated in many Mindanao kidnappings. In August PNP chief General Rodolfo Azurin ordered a probe into an apparent increase in kidnapping cases of civilians. These included a man abducted in a gasoline station in Taal, Batangas Province in August and later found dead in neighboring Quezon Province. Another man was kidnapped in August over a failed business deal in Bukidnon Province.

The law allows family members of alleged victims of disappearances to compel government agencies to provide statements in court about what they know about the circumstances surrounding a disappearance (or an extrajudicial killing) and the victim's status. Evidence of a kidnapping or killing requires the filing of charges, but in many past cases evidence and documentation were unavailable or not collected. Investigative and judicial action on disappearance cases was insufficient.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The law prohibits torture, and evidence obtained through its use is inadmissible in court. According to the CHR, however, members of the security forces and police were accused of routinely abusing and sometimes torturing suspects and detainees. Common forms of abuse during arrest and interrogation reportedly included electric shock, burning with cigarettes, and suffocation.

As of August, the CHR had investigated 33 cases of alleged torture involving 45 victims. Thirteen identified members of the PNP were involved in four of the cases; 18 cases involved unidentified members of the PNP, three cases involved four jail officers, seven cases involved unidentified individuals, and one case was allegedly perpetrated by members of the military. Two of the reported cases involved gender-based violence, 13 involved detainees during the arrest process, and 14 involved prisoners. The nongovernmental organization (NGO) Task Force Detainees of the Philippines (TFDP) documented six torture cases with 17 victims as of August.

TFDP reported the alleged arrest and torture in March of five farmers by members of the military during an encounter with communist insurgents in Malaybalay City, Bukidnon Province. The victims stated that the military personnel told them to drop to the ground, kicked and beat them, and tied their hands with a rope. After the victims were released and returned to their community, police called them to the station for statements and upon their arrival handcuffed and arrested them on charges of illegal possession of firearms. TFDP reported that as of September the victims were still detained at the Malaybalay City jail.

In October the CHR and the Bangsamoro Human Rights Commission investigated the alleged torture and death of a detainee in Maguindanao province in September. The detainee, who surrendered to authorities after accidentally hitting a child with his motorcycle, was found dead inside the Barira Municipal Police Station detention facility with alleged signs of torture, which the detainee's father insisted were not present prior to his son's detention. The Maguindanao police director has since replaced the Barira municipal chief and other involved officers to allow the CHR and Bangsamoro commission to investigate.

Unlike in previous years, there were no known reports of rape by police or other government agents.

Human rights groups continued to express concern about the contribution of corruption to abuses committed by the PNP and other security forces and noted little progress in implementing and enforcing reforms aimed at improving investigations and prosecutions of suspected human rights violations. The national police's institutional deficiencies and the public perception that police corruption was endemic continued.

Efforts continued to reform and professionalize the national police through improved training, expanded community outreach, and salary increases. In 2021, the PNP established a technical working group to oversee human rights programming and to develop course curricula for internal affairs investigators.

The Congressional Commission on Appointments may withhold a PNP promotion indefinitely if it uncovers a record of abuses, although no such action was reported, and alleged abusers were promoted.

The military routinely provided human rights training to its members, augmented by training from the CHR. Successful completion of these courses is required to complete basic training and for induction, promotion, reassignment, and selection for foreign schooling opportunities. Various AFP units conducted human rights-related training programs, seminars, or workshops with the CHR, the International Committee of the Red Cross, and other NGOs.

Witnesses to abuses were often unable to obtain protection. The number of witnesses to killings in the drug war overburdened the CHR's small witness protection program. In some cases, the loss of family income due to the relocation of a family member was a barrier to witnesses' testimony. The Office of the Ombudsman reported that witnesses often failed to come forward or to cooperate in police abuse or corruption cases. This reticence sometimes followed pressure on witnesses and their families or arose from an expectation of compensation for their cooperation.

Impunity was a significant problem in the security forces, particularly in the PNP. Local and international human rights organizations such as Amnesty International and Human Rights Watch described widespread impunity for killings. There were no prosecutions or convictions for extrajudicial killings in the year to October and just three since the start of the drug war in 2016.

As reported above, 321 police personnel were administratively charged in connection with killings during antidrug operations from January to July. Of these, 233 officers were referred to the PNP Disciplinary Authority for action; four were suspended; 229 were exonerated.

The AFP's Center for Law of Armed Conflict reported that, from January to October, it had not received any allegations against any member of the military for alleged extrajudicial killings, forced disappearances, or other rights abuses.

Prison and Detention Center Conditions

Prison conditions were often harsh and life-threatening and included gross overcrowding, inadequate sanitary conditions, physical abuse, and a chronic lack of resources including medical care and food.

Abusive Physical Conditions: The Bureau of Corrections (BuCor), under the Department of Justice, administered seven prisons and penal farms nationwide for individuals sentenced to prison terms exceeding three years. Bureau of Corrections facilities operated at four times their operating capacity of 11,981, holding 49,429 prisoners.

The Bureau of Jail Management and Penology (BJMP), under the Department of the Interior and Local Government, controlled 477 city, district, municipal, and provincial jails that held pretrial detainees, persons awaiting final judgment, and convicts serving sentences of three years or less. The bureau reported its jails operated at 390 percent of designated capacity as of July. The Dasmariñas City jail for women in Cavite Province was one of the most congested jails in the country; with an official capacity of 11 inmates, as of July it held 300 detainees.

Persistent overcrowding in detention facilities resulted in health and sanitation problems among inmates, including the continued spread of COVID-19.

Prison authorities did not uniformly separate male and female inmates. In some facilities authorities did not fully segregate juveniles from adults. Juveniles younger than 18 were typically released by court order or following a petition by the Public Attorney's Office, the inmate's private lawyer, or through NGO-led appeals. As of July, juveniles made up less than 1 percent of the prison population.

The prison services reported insufficient custodial and escort personnel, especially in large jails, with a national average of approximately 55 prisoners assigned to each custodial staff member. In larger prisons the ratio was higher; for example, in the New Bilibid Prison, one prison guard oversaw 135 prisoners.

Access to quality food was generally poor. In August more than 100 inmates at an Iloilo District jail protested on the roof, alleging they were not sufficiently fed and demanding the removal of the warden, who was subsequently suspended.

Prisoners had few opportunities for recreation, education, and self-improvement.

Poor sanitation, inadequate ventilation, poor access to natural lighting, and a lack of potable water were chronic problems in detention and correctional facilities and contributed to health problems. Prison authorities attributed most of the 758

inmate deaths reported from January to July to illness. Authorities provided Bureau of Corrections inmates with medical care; however, some medical services and treatments were not available. In such cases authorities referred inmates to an outside hospital. Inmates received a medicine allowance of 15 pesos (\$0.26) per day.

Authorities' efforts to redress physical conditions, such as overcrowding that led to or contributed to detainee deaths, were insufficient. BJMP and BuCor expanded and improved some facilities and transferred some inmates to other facilities.

Gang activity was rampant in most prisons. Observers and others with direct access to prisons noted that gangs effectively served as the de facto sources of discipline and many services. Violence between gangs and individual members of different gangs was common. In January the PNP investigated a riot at the Caloocan City Jail that resulted in the death of six inmates and injury to 33 others. The PNP reported that violence between gangs was a likely cause of the riot, based on the identities of those killed.

Administration: Prisoners, their families, and lawyers may submit complaints to independent government agencies, and the CHR referred complaints it received to the appropriate agency.

NGOs reported that abuse by prison guards and other inmates was common, but they stated that prisoners, fearing retaliation, generally declined to lodge formal complaints.

Authorities generally allowed prisoners and detainees to receive visitors, but local NGOs reported that authorities periodically restricted family visits for some detainees accused of insurgency-related crimes. Prison officials noted that security concerns and space limitations at times also restricted prisoner access to visitors.

Muslim officials reported that while Muslim detainees could observe their religion, Roman Catholic mass was often broadcast by loudspeaker to prison populations of both Roman Catholic and non-Roman Catholic prisoners and detainees.

Independent Monitoring: Authorities permitted international monitoring groups, including the International Committee of the Red Cross, and civil society groups,

such as the Philippine Center for Investigative Journalism, free and timely access to jails and prisons. The constitution grants the CHR the authority to visit jails, prisons, or detention facilities to monitor the government's compliance with international treaty obligations. Some jails in areas under community quarantine classifications also allowed virtual jail inspections.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of persons to challenge the lawfulness of their arrest or detention in court; however, the government and its agents frequently disregarded these requirements, albeit reportedly less frequently than in previous years.

Arrest Procedures and Treatment of Detainees

Warrants based on sufficient evidence and issued by an authorized official are required for an arrest unless the suspect is observed attempting to commit, in the act of committing, or just after committing an offense; there is probable cause based on personal knowledge that the suspect just committed an offense; or the suspect is an escaped prisoner. After a warrantless arrest, the court may subpoena the suspect to allow a preliminary investigation, but authorities must file charges within 12 to 36 hours of the arrest, depending on the seriousness of the crime. In terrorism cases the law permits warrantless arrests and detention without charges for up to 24 days.

Irregularities in the processes of issuing warrants and making arrests were reportedly common. Human rights groups allege that certain judges acted as “warrant factories,” issuing search warrants with little evidence and made out with hundreds of “John Does” or other common aliases that could be used against almost anyone.

For example, police arrested community doctor and human rights advocate Maria Natividad “Naty” Castro in her San Juan City (Metro Manila) residence in February for the alleged kidnapping and illegal detention of a military service member in Agusan del Sur, Mindanao. The police report also accused Castro of being a member of the central committee of the Communist Party of the Philippines, as well as head of the health bureau of its armed wing, the New

People's Army (NPA). The Agusan del Sur regional trial court issued the arrest warrant, which included 300 other names and aliases. Castro's sister said that uniformed men took Castro without informing the family, who only located her in the Agusan del Sur jail more than a day after her arrest. On March 25, the acting presiding judge of the regional trial court ordered Castro's release for "lack of jurisdiction over the person of the accused" and "denial of her substantive right to due process." In June, however, the court approved the Department of Justice's motion to reinstate the case and the judge ordered Castro's rearrest.

Detainees have the right to bail, except when held for capital offenses or those punishable by a life sentence. The bail system largely functioned as intended, and suspects were allowed to appeal a judge's decision to deny bail. The law provides an accused or detained person the right to choose a lawyer, including a public defender if the suspect cannot afford a lawyer. Due to a lack of resources, however, the Public Attorney's Office failed to provide all indigent persons with access to public defenders.

Arbitrary Arrest: Security forces detained individuals, including juveniles, arbitrarily and without warrants on charges other than terrorism, especially in areas of armed conflict (see section 1.g.).

Although as of August the Office of the Ombudsman had not reported receiving complaints of arbitrary detention committed by law enforcement agencies or the armed forces, there were numerous credible allegations of arbitrary arrests and detentions by security forces. The CHR investigated 34 alleged illegal detention cases involving 132 victims from January to July, of which 23 were perpetrated by the PNP, four by civilian hospitals (for hospital detention cases), two by members of the Philippine Drug Enforcement Agency, one by a public official, and four by unidentified persons.

In August the CHR confirmed reports of the abduction of Indigenous peoples' rights advocate Steve Tauli in Tabuk City, Kalinga Province. The grassroots human rights group Cordillera Peoples Alliance, where Tauli was a regional council member, blamed state security forces for the incident, alleging it was part of the government's campaign against communist insurgents that led to targeting left-leaning human rights organizations in antiterrorism operations. The Cordillera

Peoples Alliance said Tauli was found more than 24 hours after his abduction but did not disclose where and how he was found. The alliance also reported that Tauli was beaten, handcuffed, interrogated about work, and allegedly forced to sign a sworn statement admitting his senior position in the NPA.

Pretrial Detention: Lengthy pretrial detention remained a problem due largely to the slow and ineffectual justice system. Approximately 98 percent of prisoners in BJMP facilities were pretrial detainees; the balance were convicted criminals serving less than three-year sentences. Pending cases were not evenly distributed among the courts, which resulted in some severely overburdened courts. Large jails employed paralegals to monitor inmates' cases, prevent detention beyond the maximum sentence, and assist with decongestion efforts. The BJMP helped expedite court cases to promote speedy disposition of inmates' cases. Through this program authorities released 45,120 inmates from BJMP jails from January to July. In some cases, detainees spent longer awaiting trial than the maximum sentence for their alleged crime, often extending over many years.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; although the government generally respected judicial independence, NGOs and others reported pressure, threats, and intimidation directed at the judiciary from various sources. Unlike in previous years, as of September no attacks on lawyers were reported by the Integrated Bar of the Philippines.

Corruption through nepotism, personal connections, and bribery continued to result in relative impunity for wealthy or influential offenders. Insufficient personnel, inefficient processes, and long procedural delays also hindered the judicial system. These factors contributed to widespread skepticism that the criminal justice system delivered due process and equal justice.

Trial Procedures

The constitution and law provide for the full range of procedural rights in trials. Some of these rights, however, were frequently denied, including the rights to a speedy trial and judicial impartiality. Trials effectively had no time limits. Trials took place as a series of separate hearings, often months apart as witnesses and

court time became available, contributing to lengthy delays. Government officials estimated it took an average of five to six years to obtain a decision. In addition, a defendant's right to counsel was often impaired; the Public Attorney's Office used its limited resources to represent indigent defendants at trial rather than during arraignments or pretrial hearings. During pretrial hearings courts may appoint any lawyer present in the courtroom to provide on-the-spot counsel to the accused. To address some of these problems, the Law Student Practice Rule requires all law schools to incorporate a clinical legal aid program into their curriculum and establish at least one law clinic to serve marginalized and underprivileged populations.

Political Prisoners and Detainees

The law defines political prisoners as those who may be accused of any crime against national security. The Bureau of Corrections reported 70 such political prisoners as of August. This included self-identified political prisoners in Davao, which alone held most of the country's political prisoners. The BJMP does not track political prisoners.

Various human rights NGOs maintained lists of incarcerated persons they considered political prisoners. TFDP defined political prisoners and detainees based on motivation and excluded persons guilty of or charged with crimes against persons or property. From January to July, TFDP recorded 88 political prisoners and 187 political detainees; most were in pretrial detention. TFDP noted that in most cases, authorities mixed political prisoners with the general inmate population, except in the New Bilibid Prison where they held most political prisoners in maximum security facilities.

While in principle human rights or humanitarian organizations had the same right of access to political prisoners as to others, these groups reported prison officials seemingly arbitrarily used strict regulations to bar or limit such visits.

Generally, persons regarded as political prisoners were charged with membership in or affiliation with previously designated terrorist, separatist, or criminal (narcotics) organizations. In some cases, persons were charged with specific crimes related to the activities of these groups.

Five years after her arrest, former opposition senator Leila De Lima remained in police detention on drug trafficking conspiracy charges. Prosecutors used a variety of legal tactics to delay arraignment, including filing new and amending previous charges. Prosecutors dropped other charges against De Lima during the year, including bribery charges dropped on August 9 after potential prosecution witnesses recanted their claims. Throughout the year, several key state witnesses in the cases against De Lima recanted their testimony, and some claimed they were compelled to testify by government officials. In August foreign visitors were allowed to visit De Lima in custody for the first time since 2017, but later that same month Filipino human rights advocates who sought to visit her were denied entry to the prison.

Civil Judicial Procedures and Remedies

Complainants have access to local trial courts to seek civil damages for, or cessation of, human rights abuses. There are administrative as well as judicial remedies for civil complaints, although overburdened local courts often dismissed these cases. The government generally did not comply with court orders for relief of human rights abuses. Civil cases are subject to the same delays and corruption as criminal proceedings.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

Some leaders of communist and leftist organizations, rural NGOs, and human rights defenders complained of routine surveillance and harassment. Although the government generally respected restrictions on search and seizure within private homes, searches without warrants continued. Judges generally declared illegally obtained evidence to be inadmissible.

g. Conflict-related Abuses

For decades the government has contended with armed Muslim separatist groups such as the Moro Islamic Liberation Front and the Moro National Liberation Front; a communist insurgency supported by a nationwide NPA presence; and violence by smaller transnational terrorist organizations such as ISIS-East Asia, the Abu Sayyaf

Group, Maute Group, Bangsamoro Islamic Freedom Fighters, and other terrorist groups and criminal syndicates. Additionally, interclan *rido* (feud) violence continued in Mindanao, causing civilian deaths and displacement. Government agencies, often with support from UN agencies and other international donors, assisted those displaced by internal conflict (see section 2.e.).

The AFP's Center for Law of Armed Conflict reported that it referred 156 international humanitarian law violations by communist terrorist groups to the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture, and Other Grave Violations of the Right to Life, Liberty, and Security of Persons (AO35 committee) for further investigation from January to June.

Killings: Armed clashes between government and insurgent, separatist, and terrorist forces frequently led to deaths on both sides, and sometimes resulted in the deaths of civilians. On July 6, security forces clashed with four alleged members of the NPA in Negros Occidental. One of the four killed was Nikka Dela Cruz, a local journalist.

Police and armed forces also supported and armed civilian militias. The armed forces controlled Civilian Armed Force Geographical Units, while Civilian Volunteer Organizations fell under national police command. In October, NPA rebels killed an unarmed Civilian Armed Force Geographical Unit Active Auxiliary member in Moises Padilla, Negros Occidental.

NGOs sometimes linked the killing of activists to counterinsurgency operations by government security forces, particularly the military (see section 6, Indigenous Peoples).

The NPA, ISIS-East Asia, Abu Sayaf Group, Maute Group, Ansar al-Khalifa, Bangsamoro Islamic Freedom Fighters, and other violent extremist groups used roadside bombs, ambushes, suicide bombings, and other means to kill political figures and other civilians, including persons suspected of being military and police informers. In September, three members of the AFP were killed in an ambush by Abu Sayyaf in Al-Barka, Basilan. Local media reports said it appeared as if the Abu Sayyaf members suspects intended to steal the soldiers' firearms.

Abductions: In contrast to previous years, the AFP's Center for Law of Armed

Conflict did not receive any reports of hostages being taken by terrorist organizations from January to August. Armed criminal and terrorist groups, however, kidnapped civilians for ransom. Authorities reportedly facilitated ransom payments on behalf of victims' families and employers through unofficial channels

Physical Abuse, Punishment, and Torture: Leftist and human rights activists reported abuse of detained insurgents, separatists, and terrorists by police and prison officials.

Multiple sources reported the NPA sought to intimidate government officials and attacked or threatened businesses, power stations, farms, and private communication facilities to enforce collection of extortion payments, or so-called revolutionary taxes.

According to the *Conduct in UN Field Missions* online portal, as of December the government and UN Office of Internal Oversight Services continued to investigate two allegations of child rape reported in 2020 and 2017, respectively, against Philippine military officers deployed to the peacekeeping missions in Haiti and Liberia.

Child Soldiers: The use of child soldiers, particularly by terrorist and antigovernment organizations, remained a problem, especially in some parts of Mindanao affected by low-level violence. In the year to July, the national police's Women and Children Protection Center rescued seven child soldiers from armed antigovernment groups. The AFP's Center for Law of Armed Conflict recorded 11 children used as soldiers by communist terrorist groups from January to June. UNICEF monitored the recruitment and use of children in armed conflicts and the release of child soldiers. Government reporting mechanisms on child soldiers provided inconsistent data across agencies and regions, especially in conflict-affected areas, which made it difficult to evaluate the problem's scale. The NPA continued to claim it did not recruit children as combatants but admitted that it recruited and trained children for noncombat purposes, such as cooking.

The U.S. Government determined that the Philippines had or used child soldiers from March 2021 to March 2022. Please see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government sometimes respected this right. Threats and actions by government, allied groups, and powerful individuals against journalists, media organizations, government critics, and others continued.

Freedom of Expression: On the surface, individuals could criticize the government publicly or privately and discuss matters of public interest. Observers and NGOs, however, stated that former President Duterte's public tirades against individuals, organizations, and international bodies who criticized his policies resulted in a chilling effect on free speech and expression.

The practice of "red-tagging" continued under the new administration. The National Task Force to End Local Communist Armed Conflict, an anti-insurgency task force formed during the Duterte administration, was the primary actor in red-tagging media workers and government critics. Government officials or their allies often used red-tagging to label human rights advocates, unions, religious groups, academics, and media organizations as fronts for or clandestine members of insurgent and other opposition groups. The practice was intended to silence criticism of the government, intimidate opponents in local disputes, or provoke legal action against political opponents. In August, the Department of Justice charged 16 members of the Rural Missionaries of the Philippines with financing communist insurgent groups.

The Marcos administration's position on red-tagging was unclear. National Security Advisor Clarita Carlos condemned the practice in a June statement, saying, "Let's stop red-tagging because it is not productive." Secretary of Justice Jesus Crispin Remulla, however, disagreed with critics of the practice during the November UN Universal Periodic Review of human rights in the country, saying that it is "used when a person belonging to a civil society organization is criticized for the work they're doing as being related to the persons who commit criminal acts in our country."

Civil society groups continued to observe with concern the implementation of the Anti-Terrorism Act of 2020, which some claimed was prone to abuse and contributed to red-tagging. In April responding to petitions filed by NGOs and opposition lawmakers, the Supreme Court declared unconstitutional the part of the law defining terrorism, deeming it “overbroad and violative of freedom of expression.” Opponents argued the legislation could be used to tag some common speech or innocuous political activities as incitement to terrorism.

Violence and Harassment: Journalists continued to face harassment and threats of violence, including from individual politicians, government authorities, and powerful private persons critical of their reporting. These abuses intensified during the election season.

On October 3, radio broadcaster Percival “Percy Lapid” Mabasa was killed in an ambush on his way to work. Mabasa was a prominent radio host who reported on government corruption and had challenged the Marcos administration and the former Duterte administration on human rights and the protection of fundamental freedoms. Mabasa was the second journalist killed since President Marcos took office in June. Radio broadcaster Renato “Rey” Blanco was killed in September. The PNP created a special task force to investigate Mabasa’s murder, admitting it was “highly probable” that someone killed Mabasa because of his reporting. In November, the PNP and the National Bureau of Investigation filed murder charges against suspended BuCor Chief Gerald Bantag, along with BuCor Deputy Security Officer Ricardo Zulueta and 10 other prisoners, after the self-confessed gunman alleged their involvement in Mabasa’s killing.

Physical attacks against journalists continued and several cases from previous years remained unresolved. From October 2021 to June 2022, unknown gunmen killed five journalists, including Jesus Malabanan, a correspondent for several news organizations, including *Reuters*. In March *Daily Tribune* correspondent and Baguio Correspondents and Broadcasters Club President Aldwin Quitasol survived an attempted killing by two unidentified assailants in Baguio City.

The Center for Media Freedom and Responsibility stated that red-tagging “endangers victims, including journalists, of being hauled to court on trumped up charges,” noting moreover that a majority of intimidation cases in recent years

involved red-tagging. The center added that at least five incidents of surveillance were recorded, which includes police visits and vehicle tailing. In its report the center said state agents, including local and national government officials and security and law enforcement personnel, were the leading perpetrators of threats and violence against media.

The National Union of Journalists of the Philippines noted that the National Task Force to End Local Communist Armed Conflict branded several journalists as communist allies, “leading to a barrage of online harassment and threats against media workers.”

In the provinces, local media also faced challenges relating to red-tagging. In January media workers in Baguio and Benguet called on the government to stop the red-tagging of their media colleagues and activists, after an official from a local media association was called to join a local government anti-insurgency dialogue. The media official said that such dialogue was used as an avenue to get information on the Communist Party of the Philippines and the NPA and connect the local media the communist group.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: News organizations generally were not subject to official censorship, but journalists and media watchdogs noted several instances of alleged government interference. Media generally remained free, active, and able to voice criticism of the government, despite the chilling effect caused by the killings of journalists and political pressure on specific major media organizations.

Two media entities continued to face what many observers said were politically motivated restrictions and legal challenges: the online news website *Rappler*, for its alleged violation of foreign ownership restrictions, and broadcast giant ABS-CBN whose franchise renewal was denied in 2020 following Duterte administration political pressure on Congress.

Many observers believed government pressure on *Rappler* was due to *Rappler*’s critical coverage of the Duterte administration. *Rappler* Chief Executive Officer Maria Ressa and other staff were subjected to at least 11 cases and complaints throughout the Duterte presidency; at least 10 arrest warrants were issued against

her from 2019 to 2021. Prosecution of some cases continued under the Marcos administration.

In June the Securities and Exchange Commission affirmed its decision to revoke *Rappler's* registration to operate for violating foreign media ownership rules. *Rappler* appealed the decision. Less than a month later, the Court of Appeals upheld a cyber libel conviction against Ressa and former *Rappler* researcher-writer Reynaldo Santos Jr. and increased the prison sentence previously set by the regional trial court in 2020 by six months. The Court of Appeals denied Ressa's motion for reconsideration for the second time in October; in mid-October the Supreme Court agreed to hear her appeal of her six-year jail sentence for cyber libel. The justices also approved Ressa's request for permission to travel through December 10.

Although as of September, two bills in Congress proposed restoring ABS-CBN's franchise to operate (closed since 2020), former ABS-CBN frequencies have been acquired by close friends and allies of former president Duterte, who instigated the shutdown.

In June, following a request by then National Security Adviser Hermogenes Esperon, the National Telecommunications Commission blocked access to independent news websites *Bulatlat* and *Pinoy Weekly* because of the outlets' alleged links to communist rebels. A month later, *Bulatlat* filed a petition before a local court to overturn the commission's blocking of its website, which it described as "an assault on the public's right to access credible sources of information." A ruling was pending as of September.

The National Union of Journalists of the Philippines noted challenges facing traditional media, including "issues on accreditation and access to government offices that they cover, [being] labeled as purveyors of 'fake news,' and remain[ing] under threat from a colonial-era libel law."

Cyberattacks on media outlets, usually in the form of distributed denial-of-service and phishing attacks, increased in frequency and intensity, especially during the national elections. Denial of service attacks targeted at least 10 news websites, as well as the official websites of opposition leaders.

Libel/Slander Laws: Laws stipulate criminal penalties for libel, which authorities used to harass, intimidate, and retaliate against journalists and others.

Former vice-presidential candidate and human rights activist Walden Bello was arrested in August on two counts of cyber libel filed by a staffer at the Office of the Vice-President and former Davao City employee, stemming from Bello's March Facebook post alleging the staffer's involvement in illegal drugs after attending a November 2021 party that was raided by police. Bello was a staunch critic of former President Duterte, the father of Vice-President and former Davao City Mayor Sara Duterte. Bello was released hours after his arrest after posting bail of 96,000 pesos (\$1,700).

In affirming the cyber libel conviction of Maria Ressa in July, the Court of Appeals ruled that the statute of limitations for cyber libel is 15 years, making it more severe than the one-year statute of limitations for offline libel.

Internet Freedom

The government did not restrict or disrupt access to the internet other than temporarily blocking mobile communications during special events for security purposes.

In November 2021, then Energy Secretary Alfonso Cusi filed libel and cyber libel cases against seven news outlets for their reports alleging his implication in graft cases related to the sale of shares of the Malampaya gas field. While the cases were later dropped, media groups asserted that the libel charges were "clear harassment suits meant to intimidate and chill the press" and "an assault to press freedom."

Restrictions on Academic Freedom and Cultural Events

There were no national government restrictions on academic freedom or cultural events; however, the government kept some schools for indigenous Lumad students in Mindanao closed (see section 6, Indigenous Peoples). Some government institutions have also ordered bans on or the removal of "subversive" learning materials from schools and public libraries.

In March NGOs and academics condemned the red-tagging of two local bookshops, the Popular Bookstore in Quezon City and Solidaridad in Manila, and one publishing house whose signs and walls were vandalized with anticommunist messages, describing the acts as “an attack against academic and intellectual freedom.” Human rights organizations alleged that the National Task Force to End Local Communist Armed Conflict was responsible for the vandalism, and that the group’s intimidation tactics had also prompted the removal of “progressive” books from some state university and provincial libraries in 2021.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. Some observers alleged that the government selectively invoked COVID-19 public health concerns for political purposes, that is, to limit the ability of activists to assemble.

Freedom of Peaceful Assembly

There were credible reports of interference with freedom of assembly.

In May approximately 200 human rights advocates at a freedom park (where permits are not required for gatherings) inside the CHR compound protested the formal proclamation by Congress of President Marcos’ victory. Police stated the protesters began to move toward the House of Representatives and became violent when police blocked their path. The protestors alleged police began the violence. Some protestors were hit with truncheons and shields and at least 10 persons were wounded. The CHR expressed alarm over the methods and tools used by police in dispersing protestors and opened an investigation into the incident.

TFDP reported the arrest of 10 members of the labor rights NGO Bukluran ng Manggagawang Pilipino on May 1 during a small Labor Day assembly in Ormoc, Leyte. The group gathered for photos outside the local freedom park after a motorcade. Fifty Ormoc City riot police arrested the group, charging the participants with illegal assembly. Those arrested were released on 6,500 pesos (\$113) bail per person on May 4. As of October, their trials had not yet begun.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

e. Protection of Refugees

The government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees or asylum seekers, and other persons of concern. As of June, UNHCR reported 817 recognized refugees in the country.

Access to Asylum: No comprehensive legislation provides for granting refugee status or asylum. The Department of Justice's Refugee and Stateless Persons Protections Unit determines which applicants qualify as refugees in accordance with an established, accessible system that NGOs judged appeared to provide basic due process. From January to July, the unit received 128 applications for recognition as a refugee, all of which were under evaluation as of November.

f. Status and Treatment of Internally Displaced Persons

Decades of sectarian and political insurgency, sporadic interclan fighting, and natural disasters have generated significant internal displacement. The number of internally displaced persons (IDPs) was uncertain and fluctuated widely. Counterinsurgency campaigns against the Abu Sayyaf Group, primarily in Sulu and Basilan Provinces, and clashes with the NPA, concentrated in the most geographically remote provinces, caused sporadic and small-scale displacement. Most IDPs were women and children.

In Mindanao UNHCR reported that as of July, approximately 104,000 persons

were displaced, most in the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM). UNHCR estimated that 86 percent of the country's IDPs were displaced by armed conflict and 10 percent by natural disasters, with the balance caused by crime and clan feuding.

Government agencies, often with support from UN agencies and other international donors, provided food (although NGOs noted food aid was sometimes delayed); constructed shelters and public infrastructure; repaired schools; built sanitation facilities; offered immunization, health, and social services; and provided cash assistance and skills training for IDPs. The government permitted humanitarian organizations access to IDP sites. Security forces sometimes carried out military operations near IDP sites, creating a risk of civilian casualties and physical damage and restricting freedom of movement. Impoverished IDPs were highly susceptible to human trafficking networks.

At times the government encouraged IDPs to return home, but they were often reluctant to do so for security or welfare reasons.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government by secret ballot in free and fair periodic elections based on universal and equal suffrage. Candidates, including for the presidency, frequently had their legal right to run for office challenged by political opponents based on alleged criminal history, foreign citizenship, or other disqualifying conditions. These cases were sometimes pursued to the Supreme Court.

Elections and Political Participation

Recent Elections: The country conducted nationwide elections on May 9 for national and local officials. Ferdinand “Bong Bong” Marcos, Jr. won the presidential election with 59 percent of the vote and was inaugurated on June 30. International and national observers viewed the elections as well organized and generally free and fair, but they noted that vote buying was widespread and that dynastic political families continued to monopolize elective offices. The PNP reported 27 incidents of election-related violence, most of which were in the

Mindanao region.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority and historically marginalized groups in the political process, and they did participate.

Men dominated the political scene. Media commentators expressed concern that political dynasties limited opportunities for female candidates not connected to political families.

One Muslim candidate was elected to the 24-seat Senate, gaining the highest vote margin of the 12 candidates on the ballot. Eleven Muslim candidates were elected to the House of Representatives out of 326 seats, mostly from Muslim-majority provinces. At least three representatives are of Indigenous descent. While Muslim representation rose, Muslims, Indigenous groups, and others maintained that electing senators from a nationwide list favored established political figures from the Manila area.

The law reserves 20 percent of the seats in the House of Representatives for a party-list system, designed to encourage the representation of marginalized and underrepresented sectors of society.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by public officials, but the government did not implement these laws effectively, and officials frequently engaged in corrupt practices with impunity. Prolonged delays in the justice system reinforced the perception of impunity for the security forces and for national, provincial, and local government actors accused of corruption and human rights abuses.

Corruption: To combat corruption, the constitution establishes the independent Office of the Ombudsman, an appellate-level anticorruption court, and the Commission on Audit. All three organizations were consistently allocated budgets below what they requested, but they actively collaborated with the public and civil society and appeared to operate independently and use their limited resources

effectively. The Office of the Ombudsman successfully prosecuted more than 100 corruption cases, but officials continued to engage in corrupt practices with relative impunity.

Former Cebu congresswoman Clavel Martinez, a member of a local political dynasty, and five other local officials (including Martinez's daughter) were convicted in May on three counts of graft and theft of public funds linked to a 2002-03 scam. The convicted officials were sentenced to lengthy prison terms, collectively fined 24.4 million pesos (\$420,000), and ordered to reimburse the amount embezzled, 14.4 million pesos (\$250,000). The convictions came 20 years after the crime and 10 years after charges were first filed.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. During the Duterte administration, government officials were pressured not to cooperate with or respond to the views of international human rights organizations. While this practice appeared to have ended under the Marcos administration, local human rights activists continued to encounter occasional harassment, mainly from security forces or local officials from areas in which incidents under investigation occurred. Leftist and left-leaning human rights activists continued to report harassment by local security forces, including arbitrary arrest and abuse of detainees by police and prison officials.

The United Nations or Other International Bodies: President Marcos announced on August 1 that his government would not rejoin the Rome Statute of the International Criminal Court. The court's prosecutor initiated an investigation in September 2021 into killings in Davao City and incidents related to the Duterte administration's drug war from November 1, 2011, to March 16, 2019. The investigation continued as of October. Justice Secretary Remulla said in an interview in August that the Marcos administration would submit comments to the court "out of respect... not out of compliance."

Government Human Rights Bodies: The CHR's constitutional mandate is to protect and promote human rights; investigate all human rights violations, including those reported by NGOs; and monitor government compliance with international human rights treaty obligations. Approximately three-quarters of the country's 42,000 villages had human rights action centers that coordinated with commission regional offices. Although the legislature slightly increased the commission's budget for the fiscal year, it nonetheless lacked sufficient resources to investigate and follow up on all cases presented to its regional and subregional offices.

The Office of the Ombudsman is an independent agency that responds to complaints about public officials and employees. It has the authority to make administrative rulings and seek prosecutions.

The Presidential Human Rights Committee serves as a multiagency coordinating body on human rights problems. The committee's responsibilities include compiling the government's submission for the UN Universal Periodic Review. Many NGOs considered it independent but with limited ability to influence human rights policy. The committee also chairs the Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture, and Other Grave Violations of the Right to Life, Liberty, and Security of Persons, the AO35 committee. This body determines the appropriate mechanisms to resolve cases of political violence. It is also tasked with recording all cases of extrajudicial killings, enforced disappearances, torture, and other grave violations and for classifying them cases as unresolved, under investigation, under preliminary investigation, or at trial.

The Regional Human Rights Commission is a constitutionally mandated body tasked with monitoring alleged human rights violations in the BARMM.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal with penalties ranging from 12 to 40 years' imprisonment with pardon or parole possible only after 30 years' imprisonment. Conviction may also result in a lifetime ban

from political office. The law applies to both men and women. Penalties for forcible sexual assault range from six to 12 years' imprisonment. The law criminalizes physical, sexual, and psychological harm or abuse to women (and children) committed by spouses, partners, or parents. Penalties depend on the severity of the crime and may include imprisonment or significant fines.

The government did not effectively enforce the laws on rape. NGOs noted that in smaller localities perpetrators of abuse sometimes used personal relationships with local authorities to avoid prosecution.

As of August, the PNP's Women and Children Protection Center recorded 4,810 cases of rape involving women and children, a drop from the number recorded during the same period of 2021. Of these, 2,351 were referred to prosecutors, 1,073 were filed in court, 1,353 remained under investigation, and 32 were referred to another agency.

Police operated 115 Women and Children Protection Units in health facilities across the country, to provide comprehensive medical and psychosocial services to survivors of sexual violence.

Domestic violence against women remained a serious and widespread problem. According to the national police, reported acts of domestic violence against women decreased from 6,082 in January to July 2021 to 4,099 for the same period in 2022.

The government did not effectively enforce the domestic violence law. NGOs reported that cultural and social stigma deterred many women from reporting rape or domestic violence. NGOs and media reported that rape and sexual abuse of women in police or protective custody continued.

The PNP and the social welfare department both maintained help desks to assist survivors of violence against women and to encourage reporting. The national police's Women and Children Protection Center also operated a national hotline for reports of violence against women and children. The social welfare department operated residential centers and community-based programs to assist women and children who were victims of rape, domestic violence, and other abuse. By the end of June, the department reported it had assisted 41 women and girls who were specifically victims of sexual abuse, of whom 17 were victims of rape. With the

assistance of NGOs, the CHR, and the Philippine Commission on Women, law enforcement officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence. The national police increased by over 12 percent – to approximately 2,000 – the number of women and children’s units in police stations throughout the country, focusing on areas where additional police visibility was needed. The PNP assigned 4,882 officers to these units nationwide, almost 98 percent of them women.

The law provides 10 days of paid leave for domestic violence survivors.

Sexual Harassment: The law prohibits sexual harassment, and violations are punishable by imprisonment from one to six months, a moderate fine, or both. Sexual harassment remained widespread and underreported, including in the workplace, due to victims’ fear of losing their jobs.

Relevant law is intended to prevent and punish acts of sexual harassment in public places, online workplaces, and educational institutions; observers believed the government did not enforce the law effectively. During the year, some students took to social media and reported cases of sexual abuse in different public and private schools in the country perpetrated either by teachers or school staff. The Department of Education has requested the National Bureau of Investigation to investigate some of the alleged abuses. Media also released a list of schools where sexual abuse was alleged.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The constitution upholds the basic right of couples and individuals to decide freely the number, spacing, and timing of their children and to have the information and means to do so, free from discrimination, coercion, and violence.

Although the law provides for universal access to methods of contraception, sexual education, and maternal care, it also allows health practitioners to deny reproductive health services based on their personal or religious beliefs in nonemergency situations; requires spousal consent for women in non-life-threatening situations to obtain reproductive health care; requires minors in non-life-threatening situations to get parental consent before obtaining reproductive

health care; and does not require private health-care facilities to provide access to family-planning methods.

Provision of health-care services is the responsibility of local governments, and disruptions in the supply chain, including procurement, allocation, and distribution of contraceptives, reduced their availability to the poor, although modern forms of contraception were available on the market in most areas.

The government provided access to sexual and reproductive health services for survivors of sexual violence and protection for rape victims, including emergency contraception.

According to the 2021-2022 UN *Human Development Report*, the maternal mortality ratio was 121 per 100,000 live births, and skilled attendants participated in 84 percent of births. According to a March media report, the Department of Health and the Philippine Commission on Population and Development attributed a “sharp” increase in maternal deaths from 2020 to 2021 to mothers not getting optimal care in hospitals and other birthing facilities during the pandemic. The UN Population Fund’s 2016 analysis of maternal death concluded that poverty, remote locations, and a lack of education exacerbated delays in seeking potentially lifesaving maternal medical care; that midwives at times had little formal training; and that medical personnel routinely mistreated and denied proper care to women who sought assistance for complications from unsafe abortions.

The World Bank reported in 2019 that the adolescent birth rate was 55 per 1,000 for women between ages 15 and 19. International media and women’s health NGOs cited limited access to adequate sex education and contraceptives as a driving factor of adolescent births.

Discrimination: In law although not always in practice, women have most of the rights and protections accorded to men and the law seeks to eliminate discrimination against women. The law accords women the same property rights as men. In Muslim and Indigenous communities, however, property ownership law or tradition grants men more property rights than women.

The law prohibits sex discrimination in employment but not in hiring. Women continued to face discrimination on the job as well as in hiring.

The law does not provide for divorce for non-Muslims. Legal annulments and separation are possible, and courts generally recognized divorces obtained in other countries if one of the parties was a foreigner. These options, however, were costly, complex, and not readily available to the poor. The constitution requires the Office of the Solicitor General to oppose requests for annulment. Informal separation was common but brought with it potential legal and financial problems. Muslims have the right to divorce under Muslim family law.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits discrimination against individuals based on ethnicity, race, and religion or belief; however, the government stated in its 2021 report to the UN Committee on Elimination of Racial Discrimination that there was no formal, legal definition of racial discrimination in the country, resulting in little to no reporting of such cases.

Indigenous Peoples

Although no laws discriminate against Indigenous groups, cultural bias and the geographical remoteness of the areas many inhabit prevented their full integration into society. Indigenous children often suffered from lack of health care, education, and other basic services. The law requires representation by Indigenous groups in policy making bodies and local legislative councils, but the rate of compliance with the law was unknown. Indigenous leaders observed that local governments and politicians routinely ignored or rejected the selection process for mandatory Indigenous representatives.

Lumad (a group of Indigenous ethnic communities in Mindanao) schools and students were subject to red-tagging, often resulting in raids by the security forces, illegal arrests, and forced closure of community schools.

The National Commission on Indigenous Peoples, a government agency staffed by tribal members, was responsible for implementing constitutional provisions to protect Indigenous groups. It has authority to award certificates identifying “ancestral domain lands” based on communal ownership, thereby stopping tribal leaders from selling the land. Indigenous rights activist groups criticized the

commission, noting that it approved projects on ancestral lands without the free, prior, and informed consent required by law.

Armed groups frequently recruited from Indigenous populations. Indigenous persons' lands were also often the site of armed encounters related to resource extraction or intertribal disputes, which sometimes resulted in displacement or killings.

In April then presidential candidate and labor leader Leody de Guzman visited the Manobo-Pulangiyan tribe in Bukidnon as part of his campaign and reported witnessing an armed attack by unknown men against members of the tribe. Five persons were hurt during the incident. De Guzman said the Manobo-Pulangiyan tribe faced illegal land seizures on their ancestral land, which tribe members claimed was occupied by a local official.

Children

Birth Registration: Citizenship derives from birth to a citizen parent and, in certain circumstances, from birth within the country's territory to alien parents. The government promoted birth registration, and authorities immediately registered births in health facilities. Births outside of facilities were less likely to be registered promptly, if at all. The lack of a birth certificate does not generally result in denial of education or other services, but it may cause delays in some circumstances, for example if a minor becomes involved in the court system.

Education: Education is free and compulsory through age 18, but the quality of education was often poor and access difficult, especially in rural areas where substandard infrastructure makes traveling to school challenging. As COVID-19 restrictions eased, in person schooling partially resumed in the 2022-2023 school year, complemented by online and hybrid programs.

Supplemental costs for supplies or uniforms can be a barrier to students from poor families. The Department of Education continued to prioritize improving resources at and access to the most isolated schools. In the BARMM, the region with the country's lowest rate of school attendance, the government likewise sought to increase its education budget. According to the World Economic Forum's 2022 *Global Gender Gap Report*, the primary school enrollment rate for

girls was equal to the rate for boys, while the attendance rate for girls was significantly higher than the rate for boys in secondary and tertiary schools. In an April 2021 statement the Civil Society for Education Reforms Network noted that gender sensitive curricula and learning materials remained the exception in schools. The network also stated that gender insensitivity among staff and students contributed to school violence.

Child Abuse: Child abuse remained a problem. The law provides special protection of children against all forms of abuse, exploitation, and discrimination. Several cities ran crisis centers for abused women and children.

Child, Early, and Forced Marriage: New rules on underage marriage took effect in December, imposing a total ban on marriage for persons younger than 18 nationwide; anyone younger than 21 must also have parental consent. Under the new law, any person who arranges the marriage of a minor can be imprisoned for up to 10 years and fined. The penalty increases to up to 12 years and a larger fine if the violator is the child's parent or guardian. While recent data were unavailable, observers believed forced and early marriage were problems.

Prior to December, the legal minimum age for marriage for non-Muslims of both sexes was 18; anyone younger than 21 had to have parental consent. Under Muslim personal law, boys could marry at 15, and girls when they reached puberty (no age was specified). There were no legal penalties for forced and child marriage. Records from sharia district courts showed some Muslim girls were married as young as age seven.

Sexual Exploitation of Children: The law prohibits commercial exploitation of children and child pornography and defines purchasing commercial sex acts from a child as a trafficking offense. In March, President Duterte signed a bill raising the age of consent from 12 to 16. Sex with a minor (a person younger than 18) involving force, threat, or intimidation remains a crime. The maximum penalty for child rape is 40 years in prison plus a lifetime ban from political office. The production, possession, and distribution of child pornography were illegal, and penalties range from one month to life in prison plus significant fines, depending on the gravity of the offense. The government made efforts to enforce the law and collaborated with foreign law enforcement authorities, NGOs, and international

organizations.

Inadequate prosecutorial resources and capacity to analyze alleged abusers' computers for evidence were among the challenges to effective enforcement. Despite the penalties and enforcement efforts, law enforcement agencies and NGOs agreed that criminals and family members continued to use minors in the production of pornography and in cybersex activities.

Traffickers continued to exploit children in sex trafficking, and the country remained a destination for foreign and domestic child sex tourists. Additionally, live internet broadcasts of young girls, boys, and sibling groups performing sex acts for paying foreigners continued. The government continued to prosecute accused pedophiles, deport those who were foreigners, and bar the entry of identified convicted sex offenders. To reduce retraumatizing child victims and to spare children from having to testify, the government increased its use of plea agreements in online child sexual exploitation cases, which significantly reduced the case disposition time.

Displaced Children: While there were no recent, reliable data, involved agencies and organizations agreed there were hundreds of thousands of street children in the country. The problem was endemic nationwide and encompassed local children and the children of IDPs, asylum seekers, and refugees. Many street children were involved in begging, garbage scavenging, and petty crime.

Service agencies, including the social welfare department, provided residential and community-based services to thousands of street children nationwide, including in a limited number of residential facilities and the Comprehensive Program for Street Children, Street Families, and Indigenous Peoples. This initiative included activity centers, education and livelihood aid, and community service programs.

Antisemitism

An estimated 2,000 persons of Jewish heritage live in the country, almost all foreign nationals. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No law criminalizes consensual same-sex sexual conduct among adults or cross-dressing.

Violence against LGBTQI+ Persons: Violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons by private persons remained a problem.

On May 17, a transgender woman in Tawi-Tawi Province, BARMM, was found dead from several stab wounds. The LGBTQI+ community feared the killing was a hate crime. Local LGBTQI+ groups condemned the killing and noted the chilling effect the incident brought to their community as they celebrated the International Day Against Homophobia, Transphobia, and Biphobia on the same date the victim was found.

Discrimination: There was no national statute barring discrimination on the grounds of sexual orientation or gender identity. More than 20 local governments, including the country's largest cities of Manila, Quezon City, Cebu City, and Davao City, have antidiscrimination ordinances to protect LGBTQI+ persons. NGOs reported incidents of discrimination and abuse against LGBTQI+ persons, including in employment, education, health care, housing, and social services.

In a June incident, the microphone and lights were shut off during a transgender social media personality's speech at a graduation ceremony at a church in Cavite. Some NGOs also received reports of discrimination against LGBTQI+ students, such as barring their participation in graduation ceremonies because of their sexual orientation or gender identity. These incidents prompted the Department of Education to reiterate and request officials to implement its "Gender-responsive Basic Education Policy."

Availability of Legal Gender Recognition: Officials prohibit transgender individuals from obtaining passports or other official documents that reflect their gender identity. Authorities print the gender at birth, as reported on the birth certificate, in the individual's passport. This practice created difficulties for transgender persons seeking to travel, such as instances of being denied boarding on aircraft.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: No law prohibits the practice of so-called conversion therapies. LGBTQI+ activists criticized former President Duterte for mockingly endorsing the practice, saying that he had “cured” himself of homosexuality.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: The constitution provides for freedom of expression, association and peaceful assembly, and there were no reports of legal restraints on LGBTQI+ gatherings. There were no known incidents of nonofficial persons or groups seeking to prevent LGBTQI+ persons from exercising these rights.

Persons with Disabilities

Persons with disabilities were not able to access education, health services, public buildings, and transportation on an equal basis with others.

The law provides for equal access for persons with disabilities to all public buildings and establishments and to education. In April, a law on inclusive education was passed requiring all cities and municipalities to establish at least one inclusive learning center to organize special education programs for persons with disabilities.

The National Council for Disability Affairs formulated policies and coordinated government agencies' rehabilitation, self-development, and self-reliance activities for persons with disabilities to promote their social inclusion. The council also registered complaints and allegations of abuse and discrimination, referring them to the appropriate agencies for investigation and assistance.

The law was not effectively enforced, and many barriers remained for persons with

disabilities. Disability advocates contended that equal access laws were ineffective due to weak implementing regulations, insufficient funding, and inadequately focused integrative government programs. The great majority of public buildings remained inaccessible to persons with physical disabilities. Many schools had architectural barriers that made attendance difficult for persons with physical disabilities. Government efforts to improve access to transportation for persons with disabilities were limited.

Persons with disabilities continued to face discrimination and other challenges in finding employment (see section 7.d.).

Some children with disabilities attended schools in mainstream or inclusive educational settings. The Department of Education's 648 special education programs did not provide nationwide coverage. The government lacked a clear system for informing parents of children with disabilities of their educational rights and did not have a well-defined procedure for reporting discrimination in education.

Other Societal Violence or Discrimination

The law prohibits discrimination against persons with HIV or AIDS, including in access to basic health and social services. Nevertheless, there was evidence of discrimination against HIV or AIDS patients in the government's provision of health care, housing, employment, and insurance services. Men who have sex with men were banned indefinitely from donating blood.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of certain workers, except for the military, police, short-term contract employees, and some foreign workers, to form and join independent unions, bargain collectively, and conduct strikes; it prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. The law places several restrictions on these rights, however. Threats and violence against trade union leaders continued.

Laws and regulations provide for the right to organize and bargain collectively in both the private sector and corporations owned or controlled by the government. The law prohibits organizing by foreign national or migrant workers unless a reciprocity agreement exists with the workers' countries of origin specifying that migrant workers from the Philippines are permitted to organize unions there. The law also bars temporary or outsourced workers and workers without employment contracts from joining a union. The law requires the participation of 20 percent of the employees in the bargaining unit where the union seeks to operate; the International Labor Organization called this requirement excessive.

The law subjects all labor and employment disputes to mandatory mediation-conciliation for one month. The Department of Labor and Employment's National Conciliation and Mediation Board reported 314 mediation-conciliation cases from January to July. Of these, 230 cases were filed under preventive mediation and 80 under notices of strike or lockout.

If mediation fails, the union may issue a strike notice. For a private-sector strike to be legal, unions must provide advance strike notice (30 days for collective bargaining matters and 15 days for unfair labor practice matters), respect mandatory cooling-off periods, and obtain approval from a majority of members. The law provides for a maximum prison sentence of three years for participation in an illegal strike, although there has never been such a conviction. The law also permits employers to dismiss union officers who knowingly participate in an illegal strike.

The law prohibits government workers from joining strikes under the threat of automatic dismissal. Government workers may file complaints with the Civil Service Commission, which handles administrative cases and arbitrates disputes. Government workers may also assemble and express their grievances on the work premises during nonworking hours.

The secretary of the Department of Labor and Employment, and in certain cases the president, may intervene in labor disputes by assuming jurisdiction and mandating a settlement if either official determines that the strike-affected company is vital to the national interest. Essential sectors include hospitals, the electric power industry, water supply services (excluding small bottle suppliers),

air traffic control, and other activities or industries as recommended by the National Tripartite Industrial Peace Council. These definitions of essential services were broader than international standards.

In most cases the government respected freedom of association and collective bargaining and made some efforts to enforce laws protecting these rights. The Department of Labor has general authority to enforce laws on freedom of association and collective bargaining. The National Labor Relations Commission's labor arbiter may also issue orders or writs of execution for reinstatement that go into effect immediately, requiring employers to reinstate the worker and report compliance. Allegations of intimidation and discrimination in connection with union activities are grounds for review by the quasi-judicial commission as possible unfair labor practices. If there is a definite preliminary finding that a termination may cause a serious labor dispute or mass layoff, the labor secretary may suspend the termination and restore the status quo pending resolution of the case.

Penalties under the law for violations of freedom of association or collective bargaining laws were regularly applied against violators.

Antiunion discrimination, especially in hiring, is an unfair labor practice and may carry criminal or civil penalties that were not commensurate with analogous crimes, although generally civil penalties were favored over criminal penalties.

Administrative and judicial procedures were subject to lengthy delays and appeals.

The Tripartite Industrial Peace Council serves as the main consultative and advisory mechanism on labor and employment for organized labor, employers, and government on the formulation and implementation of labor and employment policies. It also acts as the central entity for monitoring recommendations and ratifications of International Labor Organization conventions. The Department of Labor, through the Industrial Peace Council, is responsible for coordinating the investigation, prosecution, and resolution of cases alleging violence and harassment of labor leaders and trade union activists pending before the International Labor Organization.

Workers faced several challenges in exercising their rights to freedom of

association and collective bargaining and the right to strike. A Labor Department order sets guidelines on the use of labor contracting and subcontracting. Some labor unions, however, criticized the guidelines for not limiting forms of regular, short-term temporary contractual work and subcontracting, which they reported can be used to undermine worker protections. Some employers reportedly chose to employ workers who could not legally organize, such as short-term contract and foreign national workers, to minimize unionization and avoid other rights accorded to “regular” workers. The nongovernmental Center for Trade Union and Human Rights contended that this practice led to a decline in the number of unions and workers covered by collective bargaining agreements. Employers also often abused contract labor provisions by rehiring employees shortly after the expiration of the previous contract. The Department of Labor reported multiple cases of workers alleging employers refused to bargain. There were also reports of employers terminating workers for their union activities. Unions reported that workers attempting to organize a union at a manufacturing plant were illegally fired three days before the certification election on May 8. The employer retaliated against other workers involved in the organizing campaign by reducing their hours from five to two days, which led to their resignation. There were no actions taken against the employer.

Unions continued to claim that local political leaders and officials who governed the Special Economic Zones explicitly attempted to frustrate union organizing efforts by maintaining union-free or strike-free policies. Unions also claimed the government stationed security forces near industrial areas or Special Economic Zones to intimidate workers attempting to organize and alleged that companies in the zones used frivolous lawsuits to harass union leaders. Local zone directors claimed exclusive authority to conduct their own inspections as part of the zones’ privileges intended by the legislature. Employers controlled hiring through special zone labor centers. For these reasons, and in part due to organizers’ restricted access to the closely guarded zones and the propensity among zone establishments to adopt fixed term, casual, temporary, or seasonal employment contracts, unions had little success organizing in the Special Economic Zones. The Department of Labor does not have data on compliance with labor standards in the zones.

Threats and violence against union members continued. In June, the Center for

Trade Union and Human Rights and a regional Kilusung Mayo Union affiliate reported that the government accused them of being a front for the Communist Party while they were providing support for union members engaged in a strike.

Labor union leaders Kara Taggaoa and Larry Valbuena were arrested without warrant on assault charges on October 10 immediately after a Quezon City court arraigned them on prior robbery charges. The labor coalition Nagkaisa denounced the arrests, noting a systematic pattern by police of using trumped up charges to repress trade unions. Taggaoa and Valbuena were both released on bail the day after their arrest. The robbery charges were filed against the two by a police officer during a 2020 protest in front of the Commission on Human Rights office in Quezon City.

In June a Laguna regional trial court released Nimfa Lanzanas, one of six human rights and labor activists arrested in the March 2021 'Bloody Sunday' incident (in which security forces arrested the six and allegedly killed nine other activists), and the court cleared her of illegal possession of firearms and explosive charges. The court noted that the security forces failed to follow procedures in carrying out their search warrant. Prior to September, when the Department of Justice filed murder charges against 30 police involved in the incident, there had been no arrests and only one murder charge had been filed despite the department's recommendation of bringing complaints against at least 34 officers.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor; the government did not effectively enforce the law.

The government continued awareness-raising activities, especially in the provinces, to prevent forced labor. The Department of Labor's efforts included an orientation program for recruits for commercial fishing vessels, who were among the workers most vulnerable to forced labor conditions.

Reports of forced labor using both adults and children continued, mainly in fishing and other maritime industries, small-scale factories, gold mines, domestic service, agriculture, and other areas of the informal sector. According to NGOs and survivors, unscrupulous employers subjected women from rural communities and

impoverished urban centers to domestic service, forced begging, and forced labor in small factories. They also subjected men to forced labor and debt bondage in agriculture, including on sugar cane plantations and in fishing and other maritime industries. Trade unions reported that continued poor compliance with the law was due in part to the government's lack of capacity to inspect labor practices in the informal economy.

There were reports some persons who voluntarily surrendered to police and local government units in the antidrug campaign were forced to do manual labor or other activities that could amount to forced labor without charge, trial, or finding of guilt under law.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on age; sex; race; creed; disability; HIV, tuberculosis, or hepatitis B status; or marital status. The law does not prohibit employment discrimination with respect to religion, color, political opinion, national origin or citizenship, language, sexual orientation, gender identity, other communicable disease status, or social origin.

While some local antidiscrimination ordinances at the municipal or city levels prohibit employment discrimination against lesbian, gay, bisexual, and transgender – but not intersex – persons, there was no prohibition against such discrimination in national legislation. The law requires most government agencies and government-owned corporations to reserve 1 percent of their positions for persons with disabilities; government agencies engaged in social development must reserve 5 percent. The law commits the government to provide “sheltered employment” to persons with disabilities in segregated workshops and facilities. The Department of Labor's Bureau of Local Employment maintained registers of persons with

disabilities that indicated their skills and abilities and promoted the establishment of cooperatives and self-employment projects for such persons.

The government did not effectively enforce the laws regarding discrimination with respect to employment. Penalties were less than those for violations of similar rights. Penalties were sometimes applied against violators.

Persons with disabilities experienced discrimination in hiring and employment. The Department of Labor estimated that 10 percent of employable persons with disabilities were able to find work. The government had limited means to assist persons with disabilities in finding employment, and the cost of filing a lawsuit and lack of effective administrative means of redress limited the recourse of such persons when prospective employers violated their rights.

Discrimination in employment and occupation against LGBTQI+ persons reportedly occurred; several LGBTQI+ organizations submitted anecdotal reports of discriminatory practices that affected the employment of LGBTQI+ persons. Discrimination cases included the enforcement of rules, policies, and regulations that disadvantaged LGBTQI+ persons in the workplace.

Women faced discrimination both in hiring and on the job. Some labor unions claimed female employees suffered punitive action when they became pregnant. Although women faced workplace discrimination, they occupied positions at all levels of the workforce.

Women and men were subject to systematic age discrimination, most notably in hiring.

e. Acceptable Conditions of Work

Wage and Hour Laws: Official minimum wages were below the poverty line. By law the standard workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an eight-hour-per-day limit. The law mandates one day of rest each week. The government mandates an overtime rate of 125 percent of the hourly rate on ordinary days, 130 percent on special nonworking days, and 200 percent on regular holidays. There is no legal limit on the number of overtime hours that an employer may require.

The wage and hour law did not cover many workers, since wage boards exempted certain employers such as distressed establishments, new business enterprises, retail and service establishments with fewer than 10 employees, and establishments affected by natural calamities.

Domestic workers worked under a separate wage and benefit system that lays out minimum wage requirements significantly lower than regular minimum wage requirements, payments into social welfare programs, and mandates one day off a week. While there were no reliable recent data, informed observers believed two million or more persons were employed as domestic workers, with nearly 85 percent being women or girls, some as young as age 15.

Violations of minimum wage standards were common. Many firms hired employees for less-than-minimum-wage apprentice rates, even if there was no approved training in their work. Complaints about payment below the minimum wage and nonpayment of social security contributions and bonuses were particularly common at companies in the Special Economic Zones.

Occupational Safety and Health: The law provides for a comprehensive set of appropriate occupational safety and health (OSH) standards. Regulations for small-scale mining, for example, prohibit certain harmful practices, including the use of mercury and underwater, or compressor, mining. The law provides for the right of workers to remove themselves from situations that endangered health or safety without jeopardy to their employment.

During the year, various labor groups criticized the government's enforcement efforts, in particular the Department of Labor's lax monitoring of occupational safety and health standards in workplaces. Between January and July, the Bureau of Working Conditions recorded 87 work-related accidents that caused 60 deaths and 40 injuries. Statistics on work-related accidents and illnesses were incomplete, as incidents were underreported, especially in agriculture.

Wage, Hour, and OSH Enforcement: The Department of Labor's Bureau of Working Conditions monitors and inspects compliance with wage, hour, and OSH laws in all sectors, including workers in the formal and informal sectors, and nontraditional laborers. It also inspects Special Economic Zones and businesses

located there. The government did not effectively enforce minimum wage and hour laws. Penalties for noncompliance with minimum wage rates are modest fines, imprisonment of one to two years, or both, and penalties for OSH violations are 100,000 pesos (\$1,750) per day of noncompliance. Both are commensurate with similar crimes, such as fraud or negligence. Penalties were sometimes applied against violators. Fines for OSH violations are used for OSH training sessions and other related programs.

In addition to fines, the government used administrative procedures and moral persuasion to encourage employers to rectify violations voluntarily. The number of labor inspectors who monitor and enforce the law, including by inspecting compliance with core labor and occupational safety standards and minimum wages, was insufficient for the workforce of 42 million, particularly in rural areas. The Department of Labor recognized that insufficient inspection funds continued to impede its ability to investigate labor law violations effectively, especially in the informal sector and in small- and medium-sized enterprises. Inspectors had the authority to conduct unannounced inspections and initiate sanctions.

The Department of Labor continued to implement its Labor Laws Compliance System for the private sector. The system included joint assessments, compliance visits, and occupational safety and health investigations. Department of Labor inspectors conducted joint assessments with employer and worker representatives; inspectors also conducted unannounced compliance visits and occupational safety and health standards investigations. The Department of Labor and the International Labor Organization also continued to implement an information management system to capture and transmit data from the field in real time using mobile technology.

Following a deficiency finding, the Department of Labor may issue compliance orders that may include a fine or, if the deficiency poses a grave and imminent danger to workers, suspend operations. The Department of Labor's Bureau of Working Conditions did not close any establishments during the year. Such closures would require prior notification and hearings.

A Labor Department order sets guidelines on the use of labor contracting and subcontracting. Some labor unions, however, criticized the order for not restricting

forms of regular, short-term temporary contractual work and subcontracting, which they reported can be used to undermine worker protections.

There were also gaps in the law, and the government enforced contracting and occupational safety and health laws inconsistently. Media reported, for example, problems in the implementation and enforcement of the domestic workers' law, including a tedious registration process, an additional financial burden on employers, and difficulty in monitoring employer compliance.

The government and several NGOs worked to protect the rights of the country's overseas citizens, most of whom were Philippine Overseas Employment Agency contract or temporary workers. Although the agency registered and supervised domestic recruiter practices, authorities often lacked sufficient resources to provide complete worker protection overseas. The Overseas Worker Welfare Administration provides support to overseas workers in filing grievances against employers via its legal assistance fund. The fund covers administrative costs that would otherwise prevent overseas workers from filing grievance complaints. Covered costs include fees for court typing and translation, visa cancellation, and contract termination.

The government continued to fine and bring criminal charges against domestic recruiting agencies found guilty of unfair labor practices.

Informal Sector: Nearly 40 percent of the country's workforce was in the informal sector. They were covered by labor law but did not receive social benefits similar to workers in the formal economy. The informal sector, as defined by the Philippine Statistics Authority, includes sole proprietorships, unregistered small and microenterprises, agricultural workers, and domestic employees. The Labor Department's Integrated Livelihood Program and the *Tulong Panghanapbuhay sa Ating* Disadvantaged/Displaced Workers programs are community-based programs which provided short-term emergency employment to displaced, underemployed, informal-sector workers.